



The Salisbury Planning Board held its regular meeting Tuesday, September 11, 2007, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Robert Cockerl, Richard Huffman, Craig Neuhardt, Sandy Reitz, Jeff Smith, Albert Stout, and Diane Young

ABSENT: Tommy Hairston, Valarie Stewart, and Price Wagoner

STAFF: Preston Mitchell, Diana Moghrabi, and David Phillips

MEDIA: Jason Parks, *Access 16*; Mark Wineka, *Salisbury Post*

Dr. Mark Beymer, Chairman, called the meeting to order and offered an invocation. The minutes of the August 28, 2007, meeting were approved as submitted. The Planning Board adopted the agenda as published. Dr. Beymer explained the courtesy hearing procedures.

NEW BUSINESS

A. Special Use Permits

- (a) Swear in those persons testifying at courtesy hearing
- (b) Present evidence—courtesy hearing
 - (1) Receive testimony from staff
 - (2) Receive testimonies from proponents and opponents
- (c) Findings of facts
- (d) Decision

Preston Mitchell, David Phillips, Ms. Emily Rivers, Brian Moore and Jocelyn Moore were sworn in.

SUP-01-07 Ms. Emily Rivers (In My Father's House Daycare)
932 Sunset Drive, TM 061.1, Parcel 079, R-8 Zoning

David Phillips made a staff presentation.

This submittal is a request for a Special Use Permit for Ms. Emily Rivers, 932 Sunset Drive, for a child day care home as per Section 7.10 III (c) of the Zoning Ordinance, which states:

- (c) The establishment of child day care homes in the following districts: A-1, R-40, R-40MH, R-20, R-20MH, R-15, R-15MH, R-8, and SFC, along with corresponding Special Use Zoning Districts, provided that:

- (1) The issuance of the Special Use Permit shall include, among other things, the general acceptance in the neighborhood in which the child day care home is located.
- (2) Child day care homes which have a valid state child day care home license and existed at the effective date of this ordinance shall be allowed to continue and not be required to secure a special use permit.

A child day care home is defined as a home that may have five or fewer preschool age children and a total of eight in the home as long as all other requirements of the state are met. The applicant has stated that total five children shall be enrolled. She must have a minimum of 100 square feet of play area per child; she plans to keep five children at a time and has plenty of back yard.

No one spoke in opposition or in favor of the special use permit.

Board Discussion

Jeff Smith made a MOTION to approve SUP-01-07 with the following findings of fact; Albert Stout seconded the motion with all members voting AYE. (9-0)

- The property is appropriately zoned Single Family Residential District (R-8) for the use.
- There appears to be general acceptance from the neighborhood, given that there was no one speaking.
- There should be limited impact on the neighborhood and property value.
- All City requirements have been met for this special use permit.

The next step will be a Public Hearing at City Council that will probably be Tuesday, October 2, 2007, to allow for proper notifications.

SUP-02-07 Brian & Jocelyn Moore (Pitty Pat Home Daycare)
530 D Avenue, TM-061-2, Parcel 017
Zoned R-6-S

This submittal is a request for a Special Use Permit for Mr. & Mrs. Moore, 530 D Avenue, for a child day care facility as per Section 7.10 III (d) of the Zoning Ordinance, which states:

- (d) The establishment of child day care facilities in the following districts: R-6, PSP, and corresponding Special Use Zoning Districts, provided that:
 - (1) The issuance of the Special Use Permit shall include, among other things, the general acceptance in the neighborhood in which the child day care facility is located.

- (2) Notwithstanding Section 7.01(1)(b), child day care facilities as listed in this subsection, which have a valid state day care facility license and existed at the effective date of this ordinance, shall not only be allowed to continue, but may also be enlarged, extended, or structurally altered without having to secure a special use permit.

A child day care facility is defined as a facility that may have six or more preschool age children and as many above preschool age as long as all other state requirements are met. The applicant is expected to have a total of 15 children enrolled.

The residence is currently operating a child day care home under an existing special use permit. The property has been rezoned to a two-family residential (R-6) in hopes of having another special use permit issued to operate a child day care facility from the same residence.

No one spoke in opposition.

Brian and Jocelyn Moore of 530 D Avenue spoke in favor, stating that they are pleased to be further along in the process. They already have a home day care and they would like to accommodate up to 15 children.

Sandy Reitz made a MOTION to approve SUP-02-07 with the following findings of fact:

1. That the existing use of the property is a single-family residence with a child daycare home.
2. The property is zoned Special Two-family Residential District (R-6-S). This zoning allows for all uses in the Single Family Residential District (R-8) plus the additional use of a child daycare facility.
3. The definition of a child day care facility as stated in Section 4.02 Definitions is as follows:
 - Child day care facility. A daycare facility may have six or more preschool aged children and as many above preschool age children as long as all other requirements of the state are met.
4. That Section 7.10 Special Use Permit paragraph (III) (d) of the Zoning Ordinance states that the City Council may authorize a Special Use Permit for the establishment of child day care facility in the following districts: R-6, PSP, and corresponding Special Use Districts provided that:
 - The issuance of the Special Use Permit shall include, among other things, the general acceptance in the neighborhood in which the child day care facility is located.

Jeff Smith seconded the motion to approve SUP-02-07 with all members voting AYE. (9-0)

Richard Huffman told Mr. and Mrs. Moore that he had voted against the proposal last time and it had nothing to do with the proposal; he was more concerned about the long-range implications of having this property zoned multi-family when it is located in a single-family neighborhood. He is pleased a solution has been worked out. He wished Mr. and Mrs. Moore the best of luck, and said he was sorry they had to jump through so many hoops. This is the best solution for all concerned.

The next step will be a Public Hearing at City Council that will probably be Tuesday, October 2, 2007.

B. Group Developments

- (a) Staff Presentation
- (b) Receive public comment
- (c) Board Discussion
- (d) Decision

G-10-68 Catawba College
2300 West Innes Street
Tax Map 001, Parcel 011, Zoning CU

Mr. Joseph Humble, of High Point, submitted the application for the construction of an 8,220 square-foot addition to the existing student center located at 2300 West Innes Street. All zoning criteria have been met. This comes before Planning Board because the existing building exceeds 10,000 square feet. The Technical Review Committee (TRC) recommends approval to the Planning Board as submitted.

No one spoke in opposition.

Joseph Humble of 6415 Old Plank Road, High Point, NC, spoke in favor of the addition on behalf of Catawba College. His company just built five new dormitories, which means new students and a need to expand the student center to accommodate the new students.

Sandy Reitz stated that she has heard nothing but raves about the new dorms.

Robert Cockerl made a MOTION to approve G-10-68. Albert Stout seconded the motion with all members voting AYE. (9-0)

This will go before City Council Tuesday, September 18, 2007.

G-01-75 Salisbury High School
500 Lincolnton Road
Tax Map 009, Parcel 004, Zoning R-6 & B-1

Mr. Pete Bogle of Ramsay, Burgin, Smith, Architects, submitted the application for the addition of a softball field to the existing site located at 500 Lincolnton Road. All zoning criteria have been met. The TRC recommends approval to the Planning Board as submitted.

Mr. David Phillips, Zoning Administrator, made a staff presentation. Pictures revealed that the school had received some free dirt. The plan includes new dugouts. There is an existing sewer line that concerned City staff. Crews determined that the line is in good shape. The "right fielder" may get some grief over an existing manhole that will have to be raised for accessibility. Landscape screening will provide a buffer for residents. There will be no field lights.

The City has requested that, rather than install the sidewalk now, they get an estimate on the cost of the sidewalk and deposit that money into a fund to allow for the construction of sidewalks when other funds become available. The City can get five times the amount of sidewalk for the cost of their portion to be used elsewhere. They have indicated that is most likely the way it will be handled; to deposit the money with the City and defer the construction of the sidewalk until the City has a better plan. In addition, the funds for sidewalk previously approved on Craige Street may also be deferred.

Preston Mitchell explained to the Planning Board that CMAQ was a federal program that stands for Congestion Mitigation Air Quality. This is a federal air quality program where federal monies are sent to the local level. These leveraged funds that Mr. Phillips referred to would come to Salisbury around 2010.

No one spoke in opposition or in favor of G-01-75.

Diane Young made a MOTION to recommend approval of G-01-75 as submitted. Sandy Reitz seconded the motion with all members voting AYE. (9-0)

This will go before City Council Tuesday, September 18, 2007.

G-12-07 Holiday Retirement Residence
2000 Block of Enon Church Road
Tax Map 329, Parcel 028, Zoning B-1-S

Mr. Wesley Smith, of Charlotte, submitted the application for the construction of a 38,613 square-foot retirement facility with 118 suites to be located at the 2000 Block of Enon Church Road. This parcel was recently rezoned for this particular use.

The plan meets the requirements of the zoning ordinance with the exception of the overall height of the structure. The maximum height allowed is 35 feet. However, Section 12.12, Exception to Height Limitations, states the Zoning Board of Adjustment (ZBA) may authorize the height to be exceeded provided all yard dimensions (setbacks) are increased. The ZBA met September 10 and approved the increased height (40'10"). The *Salisbury Post* reported on the decisions of the ZBA. In keeping with the residential feel of the facility, the architect believes the high-pitched roof is necessary to avoid an institutional appearance. The ZBA did express concerns over the scale of the building. The proximity to the street made it appear taller.

The proposed site is part of a larger tract of land that will be subdivided. The site will consist of a 6.93-acre tract of land which is to be subdivided from a 54.892-acre parcel. A new street constructed (with a temporary cul-de-sac) to City standards will be built with a public water line extension. The proposed street does exceed length and the space in between intersections. There are plans for future development of the site. Corrections will be made to bring the street into compliance in the future. Access to the site will be from the new street; there will be no vehicular access off Enon Church Road. At this time, it is not known if NCDOT will require turn lanes at the intersection. There is a possibility that they may not require the turn lanes at this time and wait to see what future development brings. It was mentioned on several occasions that residents of this retirement facility will not be driving; van service will be provided as transportation for the residents.

The developer is to provide storm water detention on the site to prevent any downstream flooding in the event of a storm. They are proposing two detention basins; engineering calculations have not been submitted to staff at this time.

Landscaping requirements have been met. They are required to install all street improvements like meeting sidewalk requirements. They do not have the parking requirements that an apartment complex would have which affords this project more green space.

The approved group development site plan will serve as the preliminary plat for the subdivision. Once the infrastructure has been installed, the final plat will be presented to City Council for their approval.

The TRC recommends approval to the Planning Board of the application, as submitted.

Those speaking in opposition

Michael Reid Warner, 2325 Enon Church Road, stated that this facility will be visible from his front window (he owns large lot across the street) and he would like to better understand this development and due process. He will see the retention basin from his front window.

He has concerns in respect to the setbacks and magnitude of this facility; it is so close to the road. There does not seem to be any consideration of the residents who already live there. He does not oppose progress, but has concerns about the traffic increase. Although

the residents would themselves be mobile, a facility of this size will constitute service truck delivery for food and other needs.

Karen Alexander asked if the developer held meetings for the neighborhood and property owners that were adjacent prior to submitting the plan. Mr. Warner said they had, but he had not been able to attend due to conflicts in his schedule.

Preston Mitchell added that a neighborhood meeting was held about ten months ago regarding this project—prior to the rezoning. These folks came to the city nearly a year ago looking for input and staff highly recommended a neighborhood meeting based on the impact they most likely will have on the area (This was zoned A-1).

Bob Bartlett of 140 Greenbriar Creek Place owns property in the vicinity of this project with his brothers. He stated that they did attend a meeting at Enon Baptist Church one evening close to a year ago. The architect was the only one who showed up at the meeting. He only had some of the answers; he did not have all of the answers. It is sometimes hard to make meetings and voice opposition. Most people move to the country because they want to stay in the country. Many of the aging residents are not going to put up a big fight. He has moved from areas that were plagued with this kind of encroachment on neighborhoods, whether good or bad.

It is not clear to him about changes to the road. There was no discussion about the height variance when they were taking the temperature of the community. He did not move here to look at 40-foot buildings out in the country. If they could not comply with the existing conditions, why do we have them and why do we make exceptions for companies who in from across the country with purely an investment situation. If we keep making exceptions to rules, we don't need the rules. It is hard for him to believe that a 40-foot structure is going to look residential. That is a pretty massive building. He quoted ZBA member Randy Reamer from the *Salisbury Post* article, "...It appeared to be "a pretty massive building," and he expressed concerns about the scale of the retirement community compared to the rest of the area.

He likes Salisbury and he likes some growth, but it should be in the parameters we have set forth. If he lived in Westcliffe, he would not be that keen on a retirement community coming across from him. We are setting a precedent here that will be echoed. There are some other big plans coming. We are looking for controlled growth and that is what we look for a zoning board to do; they didn't do it.

Dr. Beymer acknowledged Mr. Bartlett's concerns and responded that there were concessions made on both sides in the ZBA decision. This is a challenge in any community. The process has been public whether or not people choose to participate—people's voices are heard.

Mr. Dan Roach of 471 High Street, Salem, Oregon, with Curry Architecture, represented the applicant, Holiday Retirement. He restated the goals to provide a service to the community for seniors. This project offers a catered lifestyle to seniors in good health

that do not drive and come to a point in their lives where they do not want to mow the lawn, they want to be with their friends, and often times want to be near their family. Most residents come from within ten miles of their facility. They do not drive; they come for the services (the meals, housekeeping, etc.). This building is intended to be residential. Holiday Retirement is passionate about the residential setting. They have great access to city services at this location. Mr. Roach walked the Planning Board through the renderings.

They felt that most of the neighbors were pretty comfortable with this proposal. This is the very proposal they have had all along. The only real concern that came from the neighborhood meeting was what is going to happen on the rest of the site. The reason for the height variance ("and this may be an oversight on our part") is due to the confusion about how height was measured. In some circumstances it is measured to the midpoint of the roof while in Salisbury it is measured to the absolute top of the roof. That is the reason for the request for this accommodation and moving the building back.

The goal is to fit in with the community and we do feel it is a good fit. Based on the feedback we had received over the past year, most people seem to be pretty comfortable with this proposal. The only other concern that was raised at the last meeting was storm water management, which of course, we are going to handle on site.

Karen Alexander asked what the thought process was for putting the facility so close to the road. Mr. Roach responded that it is partly to get the facility closer to the intersection at White Oak—"We really didn't want to hide it off in the distance, and we didn't want the seniors to feel that they were stuck off in a field somewhere...We want to make the seniors feel they are part of this community and not disassociated from it."

Mrs. Alexander then asked staff how this fits in with the transect which will be a part of the proposed Land Development Ordinance. Mr. Mitchell answered that it might be a bit premature to begin comparing to the proposed ordinance. However, this would convert to RMX-CD (Residential Mixed Use). The most important thing to note is that it will go to a conditional district.

Mrs. Alexander observed that, at the last Planning Board meeting, some of the points were to have the things of similar conditions facing each other. Why not plan in such a way that there would be a row of lots that would be residential in character and would be a buffer between the existing residential that currently exists and has a history. This should be moved further back. She believes that "we need some additional work on this."

Mr. Mitchell noted that Mrs. Alexander was referencing the Camp Road establishment of City Zoning. That reference is to an urban design best practice that "uses and intensities change at the rear of the property line midblock as opposed to across the street face." Staff had recommended a year ago that the site be master planned. There is not a current requirement to make them do that. From a planning prospective, Mr. Mitchell would concur that there is some "scale" to this.

Mrs. Alexander said that it was not unreasonable to ask them to reconsider the plat and move it back so that there is some transition. It is very important in urban design, and we are putting an urban situation out there in this relatively agricultural area.

Mr. Mitchell stated that when the ZBA granted approval September 10, the setback requirement for additional height was already there; they just had to change their notations of their minimum setback requirements.

Diane Young asked if, during the neighborhood meeting, elevations were available, as well as, a site plan that gave a sense of where the buildings were going to be situated on the site. Mr. Roach answered yes, that is customary; they want people to know what is happening.

Board Discussion

Sandy Reitz asked about the storm water management. David Phillips said it would be a basin--an indentation that is grassy when dry--that will collect water and then let it dissipate. Mr. Roach said the intention is to have something that is more landscaped. If it becomes a safety hazard for the neighbors and residents they would probably plant dense vegetation to keep people from falling in. They would not have a chain link fence. Mr. Roach said, "I don't think any of us would want that. These (basins) would be a long-term measure to control water."

Craig Neuhardt wanted to go on record for not being able to support this due to not having a master plan on a piece of property that will fundamentally change the neighborhood. The first development of that property is something that is way out of scale with anything else in the area and without an idea of what else is going to happen he cannot support the project at this point.

Dr. Beymer went on record in the opposite direction. He is going to support it and believes it is the kind of retirement community that looks attractive and would be beneficial. It is a larger scale than has been out there, he would agree, but it is not inconsistent with planning or zoning and deserves Planning Board's positive consideration.

Diane Young was torn on the issue and wished more people from the community came for the rezoning. She did not believe she would be able to support this.

Robert Cockerl had mixed emotions on this one. Upon review of the opposition he could not support this plan.

Jeff Smith said it was rezoned and there were elevations available as the process now requires. "We are not sure at that point what the site plan is going to look like." He did not believe the intensity of the use has been hidden at all. Elevation A does a decent job of taking a three-story building and scaling it down with other rooflines and planes across

the front. He supports this although he is concerned about Elevation C, because that is the one that actually will be the most visible and the closest to Enon Church Road. It is by and large a full three stories without much breakup. If there was a concern at this point, it would be that southwest side elevation.

At this time Jeff Smith will support it. He does not disagree that it will have an impact on the rural landscape, and it will have an impact on the neighborhood. The due process so far has worked and he thinks the developer submitted a plan that meets our specifications. It has sidewalks and many things we have asked for and have suggested many times over.

Jeff Smith then made a MOTION to approve G-12-07; Sandy Reitz seconded the motion. Those voting in favor were Sandy Reitz, Mark Beymer, Jeff Smith and Albert Stout. Those voting against were Richard Huffman, Craig Neuhardt, Karen Alexander, Diane Young and Robert Cockerl. The motion was denied. (4-5)

Karen Alexander then made a MOTION to deny G-12-07. In its present state it is inconsistent with the goals, objectives and policies of the 2000 Strategic Growth Plan and the Salisbury Vision 2020 Comprehensive Plan. Richard Huffman seconded the motion. Those voting in favor were Richard Huffman, Craig Neuhardt, Karen Alexander, Diane Young and Robert Cockerl. Those voting against were Sandy Reitz, Mark Beymer, Jeff Smith and Albert Stout. The motion to deny G-12-07 was approved. (5-4)

This will go before City Council with a recommendation from Planning Board to deny. There will be an opportunity for the public to speak at the City Council meeting.

G-13-07 Larry Hess & Associates, Inc.
185 Piper Lane
Tax Map 471, Parcel 115, Zoning M-1

Mr. Tom Hess, of Salisbury, submitted the application for the addition of a 6,000 square-foot metal storage building to be located at 185 Piper Lane. The business is operating under the name "Blast it All." All zoning criteria have been met. The TRC recommends approval to the Planning Board of the application, as submitted.

Those speaking in opposition: None

Those speaking in favor:

Mr. Tom Hess, of 116 Wood Duck Run, is president of Larry Hess & Associates. He said the addition to the premises would be for (non-heated) warehouse use only. This will help their business to grow. They have 32 employees and have been at this location since 1975 and in business since 1971.

Board Discussion

Diane Young made a MOTION to approve G-13-07 as submitted. Albert Stout seconded the motion with all members voting AYE. (9-0)

This will go before City Council Tuesday, September 18, 2007.

C. Planning Board to receive a Resolution of Legislative Intent from City Council regarding the re-naming of Boundary Street in honor of Dr. Martin Luther King, Jr.

Preston Mitchell made a staff report. It is a City Council Goal to rename a street in honor of Dr. Martin Luther King, Jr. There are three naming categories (1) financial underwriting, (2) gifts, trades, or easements of real property, (3) civic contribution. The contribution made by Dr. King meets the goals/criteria for street renaming in the City of Salisbury.

In accordance with guidelines established by City Council in 1997 for naming public properties (including renaming streets), this issue was referred to the Planning Board for a recommendation and City Council established a period of 60 days for input.

Planning Board Committee 1, (Dr. Mark Beymer, Chair; Price Wagoner, Robert Cockerl, and Sandy Reitz—alternate Karen Alexander) was assigned to review this proposal. The committee will meet Tuesday, September 18, at 7:30 a.m. in the second floor conference room at City Hall.

D. Zoning Map Amendments

Z-12-07 City of Salisbury

Tax Map–Parcel(s): Multiple

Size / Scope: approximately 17.6 acres, encompassing 19 parcels

Location: Two separate areas of properties located along the west side of Majolica Road—one area including properties along Dove Meadow Drive and the other in the southwest corner of Majolica and the RR tracks.

Establish City zoning on lands that were annexed as part of the 2007 statutory annexations.

- Explanation of Procedure
- Staff Presentation
- Courtesy Hearing
- Board Discussion
- Statement of Consistency and Motion on Map Amendment

Preston Mitchell made a staff presentation.

Staff Comment

Staff recommends that the properties be zoned as proposed based on several factors:

1. The two parcels proposed for R-20 exceed the minimum lot size requirement of 20,000 square feet by a significant margin and could even be zoned R-40 based on their size, but staff recommends the R-20 based on the very-low density development pattern and continuity with the existing R-20 district to the north across the railroad tracks.
2. The 17 parcels along the west side of Majolica and those within the Dove Meadow Drive neighborhood have a mean parcel size of approximately 35,000 square feet. However, the smallest parcel is approximately 16,000 square feet. Staff believes it is appropriate to zone this neighborhood R-15 based on the suburban development characteristics. Add the manufactured home overlay.

No one spoke in opposition or in favor of the rezoning.

Jeff Smith made a MOTION to approve with the northern portion going to R-20 and the amended rezoning of R-15 with the manufactured home overlay on the southern portion. Karen Alexander seconded the motion with all members voting AYE. (9-0)

Jeff Smith stated that, "The Planning Board finds and determines that rezoning petition Z-12-07 is consistent with the goals, objectives, and policies of the 2000 Growth Plan and the Vision 2020 Comprehensive Plan and hereby recommends approval."

OTHER BOARD BUSINESS

Legislative Committee C met Friday to review the proposed Land Development Ordinance (LDO) and established the following schedule.

Regular Planning Board Legislative Committee C meetings: Every Friday, beginning on 9/14 thru 10/5 at 7:30 a.m. in the second floor conference room at City Hall. In addition, there will be two other regular committee meetings—One 9/19 at 7:30 a.m. and the other 9/25 immediately following the Planning Board meeting.

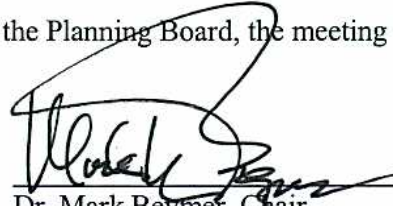
Public Information Workshop: October 4, 2007, at 6:30 p.m. at One Water Street

First Planning Board Proposed Land Development Ordinance (LDO) Courtesy Hearing: October 9, 2007, at the regular Planning Board meeting at 4 p.m.

Second LDO Courtesy Hearing: October 18, 2007, at 6:30 p.m. at One Water Street

Please contact Preston Mitchell at 704-638-5244 if you have any questions.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:00 p.m.



Dr. Mark Beymer, Chair

Diane Young, Vice Chair

Secretary, Diana Moghrabi

